

REMARKS

The courtesy of Examiner Mooneyham in granting the interview of December 12, 2006, and the helpful comments proffered at that time are acknowledged with appreciation. Applicants also note with appreciation the indication in the Office Action mailed June 29, 2006, that Claims 12-21, 25 and 26 recite allowable subject matter.

The foregoing amendment amends Claims 1-6, 8, 9, 11, 13, 14, 16, 18, 19, 20, 22-26 and 29, cancels Claims 7, 12, 27 and 28 without prejudice and adds new Claim 30. Now in the application are Claims 1-6, 8-11, 13-26, 29 and 30 of which Claims 1, 29 and 30 are independent. No new matter has been added and no new issues are raised by the foregoing amendments.

Claim Amendments

Claims 1 and 5 have been amended to address the rejection under 35 U.S.C. § 101. More specifically, Claims 1 and 5 are amended to clarify the recited computing systems are an individual service provider computing system and a central reservation provider computing system. Additionally, Claims 2-4 and 6 which depend directly or indirectly from Claim 1 are amended in a similar fashion to maintain proper antecedent basis. Accordingly, Applicants contend the claimed individual service provider computing systems and central reservation provider computing system has a structure, operation and function distinct from a human.

Claims 7, 12, 27 and 28 have been cancelled and rewritten as new Claim 30. Accordingly, new Claim 30 positively recites structural features of the claimed system. Claims 8, 9, 11, 13, 14, 16, 18-20, 22-26 are amended to address the change dependencies caused by the cancellation of Claims 7, 12, 27 and 28 and to provide proper antecedent basis for new Claim 30.

Allowable Subject Matter

The Examiner has indicated that claims 12-21 and 25-26 may be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 1st and 2nd paragraph, the rejection under 35

U.S.C. 101 and to include all the limitations of the base claim and any intervening claims from which they depend. Applicants would like to thank the Examiner for this indication.

Rejections under 35 U.S.C § 112

Claims 1-28

The Office Action rejects Claims 1-28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. More specifically, the Office Action is concerned as to how the claimed subject matter handles other types of reservations such as airline flights, car reservations, hotel rooms, theater tickets and so on.

Applicants have amended Claim 1 and added new Claim 30 to clarify how the claimed systems handle reservations. That is, airline flights, car reservations, hotel rooms, theater tickets and the like types of reservations can be considered location specific items like a reservation for a specific table in a restaurant. Thus, if the airline, theater, hotel or the like reserve seats or rooms on a general admission basis the reservations can be considered fungible items. Otherwise, if the if the airline, theater, hotel or the like reserve seats or rooms on a seat specific or room specific basis the reservations can be considered reservations for location specific items. *See*, page 6, lines 10-20; page 7, lines 12-19 of specification. The blocks could be divided on a per plane basis, per performance basis, per car type basis, per room type basis like a table type basis or fixed seating basis in a restaurant.

Applicants contend that the foregoing amendments clarify the claimed subject matter and the claimed subject matter is enabled by the specification. As such, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1-28 under 35 U.S.C. § 112, first paragraph.

Claims 7-26

The Office Action rejects Claims 7-26 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants have rewritten Claims 7, 12, 27 and 28 as new Claim 30 to positively recite the structural features of the claimed system.

Applicants contend that the foregoing amendments clarify the claimed subject matter of Claims 8-11 and 13-26. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 7-26 under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C § 101

The Office Action rejects Claims 1, 5, and 7-26 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants herein the foregoing amendments clarify the claimed subject matter.

Claims 1 and 5

Amended Claim 1 now recites one or more individual service provider computing systems and a central reservation provider computing system. Amended Claim 5 now recites an electronic means for automatically activating a link for communicating between the central reservation provider computer system and the respective individual service provider computer systems.

Accordingly, Applicants contend amended Claims 1 and 5 recite statutory subject matter. Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1 and 5 under 35 U.S.C. § 101.

Claims 7 and 29

Claim 7 has been cancelled and rewritten as new Claim 30. New Claim 30 also includes the subject matter of cancelled Claims 12, 27 and 28, which previously depended from Claim 7 either directly or indirectly. New Claim 30 positively recites the structural features of the claimed system. Applicants contend new Claim 30 is directed to statutory subject matter. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 7 under 35 U.S.C. § 101.

Claim 29 is directed to a computer-readable medium holding instructions for reserving one or more time-specific blocks of a plurality of fungible items. The instructions include, amongst other steps, the step of accepting a reservation request for a location specific item if at least one time consecutive block is available for each part of the time period for which the

reservation is requested such that time consecutive blocks relating to more than one of the fungible items may be combined to provide the reservation. Applicants contend Claim 29 is directed to statutory subject matter because at least the step of accepting produces a useful, tangible, concrete result, for example, the computer system executing the claimed instructions will accept a reservation if certain claimed conditions met. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 29 under 35 U.S.C. § 101.

Rejection under 35 U.S.C § 102

The Office Action rejects Claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,477,503 to Mankes (“Mankes”). The Office Action rejects Claims 7-11 and 29 under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. 2002/0032588 to Glazer *et al.* (“Glazer”). Applicants traverse each of these rejections and maintain that Mankes does not anticipate Claims 1-5 and Glazer does not anticipate amended Claims 7-11 and 29.

Claims 1-5

Mankes fails to disclose each and every element of Claims 1-5. Claims 2-5 depend directly or indirectly from amended claim 1 and therefore incorporate the patentable features of amended Claim 1.

Mankes provides a system in which the event vendor's entire inventory resides at and is controlled at the local point of sale site. Rather than the vendor giving up control and sending its inventory to a central reservation system for eventual sale, the vendor itself maintains control of its inventory at its own location and allows access to the data to whomever it decides, rather than only authorized users of a central reservation system. *See*, Column 2, lines 57-65 of Mankes. At best the ASR 16 of Mankes holds replicated data, but the ASR 16 never changes the replicated data it only reads it. As such, the ASR 16 cannot book a reservation it can only indicate if a reservation is available assuming the replica it holds is up to date.

Mankes fails to disclose a computerized reservation system that includes, amongst other features, one or more individual service provider computing systems and a central reservation provider computing system where a first portion of the available reservations from each individual service provider computing systems are held by the central reservation provider computing system and a second portion of the available reservations from each individual service provider computing system are held by that respective individual service provider. In contrast to Mankes, the reservation system of Claim 1 enables any of the one or more individual service provider computing systems and the central reservation provider computing system to accept and book a reservation.

For example, when a reservation of fungible items requested from either the central reservation provider computing system or an individual service provider computing system is not available from that provider or when the portion of available reservations held by either the central reservation provider computing system or the individual service provider computing system drops below a predefined minimum level at any time, the link between the central reservation provider computing system and the individual service provider computing systems is activated. The link can be activated by the central reservation provider computing system or one of the individual service provider computing systems and available reservations of fungible items are transferred from the other of the central reservation provider computing system or one or more of the individual service provider computing systems to the central reservation provider computing system or one or more of the individual service provider computing systems via the communication link so as to allow a reservation of fungible items to be made. In this manner, the available reservations held by each individual service provider computing systems and by the central reservation provider computing system are the actual available reservations and those actual reservations are kept up to date by the structure, function and operation of the claimed system. Mankes does not disclose such structure, functions or operations. Furthermore, Mankes fails to disclose the concept of reservation for fungible items.

For at least these reasons Mankes fails to anticipate Claims 1-5, as amended. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1-5 under 35 U.S.C. § 102(e).

Claims 7-11

Glazer fails to disclose each and every element of Claims 7-11, as amended. For purposes of the discussion below reference is made to new Claim 30 instead of Claim 7. As discussed above, Claim 7 has been rewritten as new Claim 30. Additionally, new Claim 30 includes the subject matter of previously presented Claims 12, 27 and 28.

Glazer does not disclose, teach or suggest new Claim 30. New Claim 30 includes the allowable subject matter of previously presented Claim 12 as well as the subject matter of previously presented Claim 7 from which Claim 12 depended upon. Additionally, new Claim 30 addresses the issues under 35 U.S.C. §§ 101, 112 and is therefore allowable.

Claims 8-11 depend directly or indirectly upon new Claim 30 and therefore incorporate the patentable features recited therein.

For at least these reasons Glazer fails to anticipate Claims 30 and 8-11. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 7-11 under 35 U.S.C. § 102(e).

Claim 29

Glazer does not anticipate amended Claim 29.

Glazer is directed to an Internet-enabled scheduling system for making time-specific reservations for service providers such as a doctors' or dentists' office. The schedule for each sponsoring organisation is held on a central controller through which customers are invited to schedule an appointment. This appointment can be made by directly communicating with the central controller on the Internet, where the customer is presented with a customised URL showing the schedule cut up into contiguous time-slots, which are at least shorter than the appointment duration, and identifying the availability of possible appointment start-times within those time slots. These available start-time slots depend on the availability of the doctor, resource availability, appointment duration and opening and closing times. Thus the scheduling system of Glazer is only concerned with *non-fungible* resource-specific items and the customers schedule appointments directly with a specific doctor by an available appointment start-time in his schedule.

In contrast, the present invention as set forth in amended Claim 29 provides the ability to accept reservation requests for a fungible non-location specific items. Time consecutive blocks from more than one of the plurality of fungible items can be combined to provide the requested total reservation time. For example, if a restaurant has three tables, the availability for a reservation can be determined by combining available consecutive time blocks from each of the first table, the second table, and the third table. Glazer does not disclose this feature. Instead, Glazer only allows making a reservation using the consecutive available time blocks for a single non-fungible location specific item (e.g., a dentist). Therefore, Glazer fails to anticipate the invention as set forth in Applicants' amended Claim 29.

For at least these reasons Glazer fails to anticipate amended Claim 29. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 29 under 35 U.S.C. § 102(e).

Rejection under 35 U.S.C § 103

The Office Action rejects Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Mankes in view of United States Patent Application Publication No. 2002/0116232A1 to Rapp *et al.* ("Rapp"). The Office Action rejects claims 22-24, 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Glazer further in view of Mankes. Applicants respectfully traverse the rejection.

Claim 6

Applicants argued above why Mankes fails to teach, suggest, or disclose the invention as set forth in the Applicants' amended Claim 1. Claim 6 depends, directly or indirectly from independent Claim 1 and therefore, incorporates the patentable features of independent Claim 1.

Rapp is directed to an Internet-based application that allows vendors to manage their appointment books and allows customers to schedule appointments with a vendor 24 hours a day from any location. Rapp fails to bridge the factual deficiencies of Mankes. Neither Mankes nor Rapp, alone or in combination detract from the patentability of Claim 6.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 6 under 35 U.S.C § 103(a).

Claims 22-24, 27 and 28

Claims 27 and 28 are cancelled by the foregoing amendment. Accordingly, Applicants consider the rejection of Claims 27 and 28 moot.

For purposes of the discussion below reference is made to new Claim 30 instead of Claim 7. As discussed above, Claim 7 has been rewritten as new Claim 30. Additionally, new Claim 30 includes the subject matter of previously presented Claims 12, 27 and 28.

Neither Glazer nor Mankes, alone or in combination, teach or suggest new Claim 30. New Claim 30 includes the allowable subject matter of previously presented Claim 12 as well as the subject matter of previously presented Claim 7 from which Claims 22-24 depended upon. Additionally, new Claim 30 addresses the issues under 35 U.S.C. §§ 101, 112 and is therefore allowable.

Claims 22-24 depend directly or indirectly upon new Claim 30 and therefore incorporate the patentable features recited therein.

For at least these reasons neither Glazer nor Mankes, alone or in combination, teach or suggest each and every feature of Claims 22-24. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 22-24 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the above amendment, applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. FBU-002RCE2 from which the undersigned is authorized to draw.

Dated: **December 29, 2006**

Respectfully submitted,

By David R. Burns

David R. Burns

Registration No. 46,590

LAHIVE & COCKFIELD, LLP

One Post Office Square

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney for Applicants